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Attorney for Defendant
ROBERT KIRBY WELLS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT KIRBY WELLS,

Defendant.

Case No. 2:21-cr-0164-WBS

**STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

**DATE: October 18, 2021
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb**

Defendant, ROBERT KIRBY WELLS, by and through his
undersigned counsel, and Plaintiff United States of America, by
and through its undersigned counsel, hereby stipulate as follows:

1. By previous order, this matter was set for status on
October 18, 2021, and time was excluded through October 18, 2021
pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv) (Local Code T4).

2. By this stipulation, the parties jointly request that
the Court continue the status conference to November 22, 2021, at
9:00 a.m. The parties further request that the Court exclude
time under the Speedy Trial Act from October 18, 2021, through
November 22, 2021, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv)

1 (Local Code T4).

2 3. The parties stipulate, and request the Court find the
3 following:

4 a) Defendant, ROBERT KIRBY WELLS, recently obtained
5 new counsel.

6 b) As of now, there are approximately 123,000 pages
7 of discovery that include, among other things, investigative
8 reports, financial records, and other business records, as well
9 as the contents of two email accounts, that the government is in
10 the process of producing and/or that it will make available for
11 inspection and copying.

12 c) Counsel for defendant, ROBERT KIRBY WELLS,
13 believes that failure to grant the above-requested continuance
14 would deny counsel the reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence.

16 d) The government does not object to the continuance.

17 e) Based on the above stated findings, the ends of
18 justice served by continuing the case outweigh the interest of
19 the public and the defendant in a trial within the original date
20 prescribed by the Speedy Trial Act.

21 f) For the purpose of computing time under the Speedy
22 Trial Act, 18 U.S.C. § 3161, et. seq., within which trial must
23 commence, the time period of October 18, 2021, up to and
24 including, November 22, 2021, is deemed excludable under 18
25 U.S.C. § 3161(h)(7)(A), (B)(iv) (Local Code T4), as it results
26 from a continuance granted by the Court at the defendant's
27 request on the basis of the Court's finding that the ends of
28 justice served by taking such action outweigh the best interest

of the public and defendant in a speedy trial.

IT IS SO STIPULATED.

DATED: October 8, 2021

Respectfully submitted,

/s/ William J. Portanova
WILLIAM J. PORTANOVA

Attorney for Defendant
ROBERT KIRBY WELLS

DATED: October 8, 2021

PHILLIP A. TALBERT
Acting United States Attorney


/s/ Matthew Thuesen

MATTHEW THUESEN
Assistant United States Attorney

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: October 8, 2021


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE